REMARKS

In view of the following remarks, Applicants respectfully request reconsideration and allowance of the subject application. This amendment is believed to be fully responsive to all issues raised in the Office Action

5   mailed January 30, 2004.

Specification Objections

The specification was objected to with regard to three noted

10   informalities and grammar errors.

The three objected to notations have been addressed and remedied. Withdrawal of all objections to the specification is therefore respectfully requested.

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Claim Rejections

Rejections Under 35 U.S.C. §112

Claims 1-17 generally (and claims 1 and 3 in particular) were "rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

20   failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention."

Claims 1 and 3 have been amended to address the minor informalities of the rejection(s). Withdrawal of the section 112 rejection on claims 1-17 is therefore respectfully requested.

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Rejections Under 35 U.S.C. §102 and 103

Claims 1, 3-10, and 12-13 were "rejected under 35 U.S.C. 102(e) as being anticipated by Mann et al, U.S. Patent 6,654,801 (hereinafter Mann)."

Claim 2 was "rejected under 35 U.S.C. 103(a) as being unpatentable

5   over Mann in view of 'Official Notice'."

Claim 11 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Singh et al, U.S. Patent 5,758,083 (hereinafter Singh)."

Claim 14 was "rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Tawil, U.S. Patent 6,421,723 (hereinafter Tawil)."

10   Claims 15-17 were "rejected under 35 U.S.C. 103(a) as being unpatentable over Mann in view of Chrabaszcz, U.S. Patent 6,212,585 (hereinafter Chrabaszcz)."

The Office Action reads, in pertinent part at paragraph #7 at page 4:

15   "at least one integrated management agent running on a machine of the at least one machine (col. 4, lines 46-49)" and

"wherein the integrated management agent comprises an object manager configured such that the integrated management agent is expandable to support an additional

20   network device types by installing device type-specific modules while the integrated management agent is running (fig. 6; col.

12, lines 13-47)."

The referenced col. 4, lines 40-53 portion of Mann reads as follows:

25   Referring to FIG. 1, shown is a schematic diagram of a data communications network 10 incorporating the network

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management system of a presently preferred embodiment of the present invention. A network control console (NCC) 12 is physically located on a host 14 within a Network Operation Center (NOC) 16. The NCC 12 is an application program

5   running on the host 14. The NCC 12 monitors and manages the data network management system and serves as the communication interface between the data network management system and a system administrator. A system administrator is an individual employed by a network service provider who maintains a portion of the overall data

10   communications network 10. The NCC 12 is in communication with a database 18 and a database adapter 20.

The referenced "fig. 6; col. 12, lines 13-47" portion of Mann reads as

follows:

15   FIG. 6 is a flow chart illustrating a method for seamless integration of a new service or node within a data communications network management system, in accordance with a presently preferred embodiment of the present invention. At 300, a node or service is started manually at a Point of

20   Presence within a data communications network. Manually, in this sense, refers to a service or node that is started or added at one of the numerous PoPs in the distributed data communications network without a command to do so being issued from the network management operation center. The

25   service or node being started has an associated service or control adapter running and is in communication with an information bus. At 310, the newly started node or service begins sending out operational status signals over the information bus. These signals are published as heartbeat

30   events on to an information bus. Heartbeat events are published at a prescribed interval to alert subscribing entities that a specific node or service is still functional.

        At 320, these signals are received by an unknowing network management control host. The host has no identity

35   information in its database for this new service or node, therefore, at 330, the network management control host sends out signals requesting identification information. These signals are published as discover events by the database adapter. At 340, these identification request signals are received by the new

40   service or node and the associated control adapter or service adapter sends signals with the requested identification information supplied therein. These events are published as identity events in response to received discover events. At 350, the subscribing network management control host receives the

45   identity information and stores such in its database. The new service or node has now been integrated into the data

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communications network management system and the identifying information is kept on file for future reference.

As stated in the Mann reference at col. 4, lines 40-53 as reproduced above, the NCC 12 is an application program running on the host 14.

5   However, services 54/104 and nodes 58/106 (see Figs. 3 and 4 of Mann) that are being seamlessly integrated relate to distant POPs 26/102 (see Figs. 1 and 4 of Mann). In other words, the network in the Mann reference is being expanded. Thus, they are not **modules** being installed into an **integrated management agent.**

10   It is therefore respectfully submitted that independent claim 1, and thus claims 2-17 that depend directly or indirectly therefrom, are allowable.

With respect to claim 2, the Office Action at paragraph #19 on page 7

15   took 'Official Notice' "that the consistent user interface module supports a web-based user interface is well known and expected in the art." It is submitted that 'Official Notice' is applicable to findings of fact. See MPEP 2144.03. However, the Office Action as quoted above takes 'Official Notice' of a legal holding. It is therefore respectfully requested that the rejection of

20   claim 2 be withdrawn. Furthermore, should the 'Official Notice' be maintained in its current or another form, applicants respectfully request that documentary evidence be provided supporting any factual assertion.

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Although each pending dependent claim 2-17 includes additional element(s) militating toward allowability, it is respectfully submitted that dependent claims 2-17 are allowable at least for the reasons given above in connection with independent claim 1.

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Newly-Added Claims 18-20

No art of record, either alone or in any combination, anticipates or

renders obvious at least the following elements in conjunction with the other

5   elements of claim 18:

. . . the protocol-dependent device handler sublayer

comprising multiple modules, each respective module of the

multiple modules adapted to support a respective device-type-

specific protocol . . . wherein a particular module that is adapted

10   to support a particular device-type-specific protocol may be

installed to or uninstalled from the protocol-dependent device

handler sublayer independently of other modules of the multiple

modules while the integrated management agent is running.

15   It is therefore respectfully submitted that independent claim 18, and

thus claims 19 and 20 that depend therefrom, are allowable.

Although each pending dependent claim 19-20 includes additional

20   element(s) militating toward allowability, it is respectfully submitted that

dependent claims 19-20 are allowable at least for the reasons given above

in connection with independent claim 18.

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CONCLUSION

Claims 1-20 are believed to be in condition for allowance. Applicants respectfully request reconsideration and prompt allowance and issuance of the present application. Should any issue remain that prevents immediate

5   allowance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
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